

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jason Abudus-Sabur,

Plaintiff,

v.

Civil No. 13-2528 (JNE/FLN)
ORDER

Linda Sanders, Warden,
Medical Director of FMC-Rochester, MN,
Associate Warden over Security and
Safety Procedures, All Medical Staff and
General Population Staff and Entire
Medical Department, F.B.O.P. Director
Mr. Samuels, and United States America,

Defendants.

Plaintiff Jason Abudus-Sabur is a federal inmate who is currently incarcerated at the United States Medical Center for Federal Prisoners in Springfield, Missouri. Mr. Abudus-Sabur brought this action pro se by filing a complaint, ECF No. 1, accompanied by an application to proceed in forma pauperis (“IFP”), ECF No. 2.

In an order filed on October 23, 2013, the United States Magistrate Judge directed Mr. Abudus-Sabur to pay a \$3.83 initial partial filing fee within 20 days as a precondition to proceeding on his complaint. ECF No. 5. Mr. Abudus-Sabur neither paid that sum within the prescribed time limit nor explained his failure to do so. He did, however, file a document styled as a “REQUEST [for] LEAVE TO ADD TO-AMEND-PERFECT COMPLAINT-ETC.,” apparently in an effort to clarify and elaborate upon his complaint. ECF No. 6.

The Magistrate Judge subsequently issued a Report and Recommendation recommending that this action be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) on account of Mr. Abudus-Sabur’s failure to follow the order of October 23. ECF No. 7. The

Report and Recommendation also recommends that both Mr. Abudus-Sabur's IFP application and his motion for leave to amend the complaint be denied. *Id.*

Mr. Abudus-Sabur did not object to the Report and Recommendation. The Court has conducted a de novo review of the record, *see* D.Minn. L.R. 72.2, and now adopts the Report and Recommendation insofar as it concludes that this action should be dismissed without prejudice. The Court also vacates the order of October 23, 2013. *See* D.Minn. L.R. 72.2(a)(3) ("The district judge may also reconsider on his or her own any matter decided by the magistrate judge but not objected to.").

THEREFORE, IT IS ORDERED THAT:

1. Plaintiff's Application to Proceed In Forma Pauperis [ECF No. 2] is DENIED.
2. The Order filed on October 23, 2013 [ECF No. 5] is VACATED.
3. Plaintiff's Motion for Leave to File Amended Complaint [ECF No. 6] is DENIED.
4. This action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 22, 2014

s/Joan N. Ericksen
The Honorable Joan N. Ericksen
United States District Judge